

ESTTA Tracking number: **ESTTA255532**

Filing date: **12/17/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187465
Party	Defendant LIBERTY PETROLEUM, LLC
Correspondence Address	THOMAS W. COLE ROBERTS, MLOTKOWSKI & HOBBS P.C. 7918 JONES BRANCH DR STE 500 MC LEAN, VA 22102-3366  tcole@rmhlaw.com
Submission	Other Motions/Papers
Filer's Name	Thomas W. Cole
Filer's e-mail	tcole@rmsclaw.com
Signature	/Thomas W. Cole/
Date	12/17/2008
Attachments	Extension of Time to Answer.pdf ( 2 pages )(19737 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Davis Industries, Inc., a Washington corporation,)

Opposer )

) Opposition No. 91187465

v. )

) Serial Nos. 77411015, 77410925,

) 77410965, and 77410917

Liberty Petroleum, LLC, a Virginia limited )

liability corporation, )

Applicant )

**Motion for Suspension for Settlement With Consent**

The parties are actively engaged in negotiations for the settlement of this matter. Applicant Liberty Petroleum, LLC requests that this proceeding be suspended for 60 days to allow the parties to continue their settlement efforts. Accordingly, Applicant Liberty Petroleum LLC requests that the response dates for this proceeding be re-set as follows:

Time to Answer:	02/20/2009
Deadline for Discovery Conference:	03/22/2009
Discovery Opens:	03/22/2009
Initial Disclosures Due :	04/22/2009
Expert Disclosure Due:	08/19/2009
Discovery Closes:	09/18/2009
Plaintiff's Pretrial Disclosures:	11/02/2009
Plaintiff's 30-day Trial Period Ends:	12/17/2009
Defendant's Pretrial Disclosures :	01/01/2010
Defendant's 30-day Trial Period Ends:	02/15/2010

Plaintiff's Rebuttal Disclosures: 03/02/2010  
Plaintiff's 15-day Rebuttal Period Ends: 04/01/2010

Applicant Liberty Petroleum, LLC has secured the express consent of opposer Davis Industries, Inc. for the suspension and resetting of dates requested herein. Applicant Liberty Petroleum, LLC provides the following e-mail addresses herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board:

Counsel for Opposer Davis Industries, Inc.: [bob.carlson@cojk.com](mailto:bob.carlson@cojk.com); [kathi.milner@cojk.com](mailto:kathi.milner@cojk.com).  
Counsel for Applicant Liberty Petroleum, LLC: [tcole@rmsclaw.com](mailto:tcole@rmsclaw.com); [iridchenko@rmsclaw.com](mailto:iridchenko@rmsclaw.com).

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by facsimile or email (by agreement only) to Davis Industries' counsel, Robert J. Carlson, Christensen O'Connor Johnson Kindness PLLC located at 1420 Fifth Avenue, Suite 2800, Seattle, Washington 98101 on this date.

Respectfully submitted,

Date: December 17, 2008

/Thomas W. Cole/

Thomas W. Cole

Customer No. 25570

Roberts Mlotkowski Safran & Cole P.C.

P.O. Box 10064

McLean, VA 22102

Telephone: (703) 677-3001

Facsimile: (703) 848 2981